

4
#



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: ROSEN et al.

Application Serial No.: 09/764,872

Group Art Unit: 1614

Filed: January 17, 2001

Examiner: Not assigned

For: Nucleic Acids, Proteins and Antibodies

Attorney Docket No.: PA125

**RESPONSE AND PETITION TO NOTICE OF OMITTED
ITEM(S) IN A NONPROVISIONAL APPLICATION**

Commissioner For Patents
Washington, D.C. 20231

RECEIVED

DEC 31 2001

OFFICE OF PETITIONS


Sir:

In response to the Notice of Omitted Item(s) In A Nonprovisional Application dated October 15, 2001, submitted herewith is a copy of page 448, as well as a copy of the postcard date-stamped January 17, 2001 by the Patent and Trademark Office, confirming that 555 pages of the specification were received. Likewise enclosed is a copy of the Notice of Omitted Item(s) in a Nonprovisional Application. Applicants believe that page 448 was part of the application as originally filed and therefore request a refund of the \$130.00 petition fee.

The Commissioner is hereby authorized to charge the required petition fee of \$130.00, and any other fees deemed necessary, to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: December 14, 2001


Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, Maryland 20850
301-610-5771 (telephone)

Adjustment date: 03/22/2002 AKELLEY
12/18/2001 AGOITOM 00000027 083425 09764872
01 FC:122 130.00 CR

KKH/rmr

PA125

HUMAN GENOME SCIENCES, INC.

PLEASE HOLD FOR
SERIAL NUMBER

Please date stamp and return to addressee on reverse side

Applicants Rosca et al.

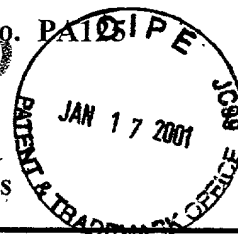
Docket No. PA1051 P F

Application No.: Unassigned

Filed: Herewith

Title: Nucleic Acids, Proteins, and Antibodies

U.S. PATENT DEPT



Documents Filed Via Hand Delivery on January 17, 2001

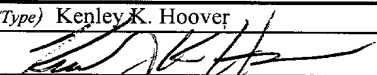
1. Post card(s) (2);
2. Utility Patent Application Transmittal;
3. Patent Application Fee Value Transmittal (in dupl.);
4. Executed Declaration for Patent Application (5 pages);
5. Specification: [(pp.: 1-555] Claims: (24 claims)[(5 pp : 556-560)]; Abstract: (1 pg.: 561); Sequence Listing on computer-readable form on 3 Compact Discs (Copy 1, Copy 2, and CRF);
6. Transmittal and Submission Under 37 C.F.R. §§ 1.824 and 1.52(e);
7. Statement Under 37 C.F.R. § 1.821;
8. Executed Assignment & Assignment Recordation Form Cover Sheet (in dupl.)(3 pages); and
9. Application Data Sheet (13 Pages).

09/764872

03CO
\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">for FY 2002</h2> <p style="text-align: center;">Patent fees are subject to annual revision.</p>		Complete if Known		
		Application Number	09/764,872	
		Filing Date	January 17, 2001	
		First Named Inventor	ROSEN et al.	
		Examiner Name	Not assigned	
		Group Art Unit	1614	
Total amount of payment		\$130.00	Attorney Docket Number	PA125

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																																				
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account Number 08-3425 Deposit Account Name Human Genome Sciences, Inc. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use hearing</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td>145</td><td>100</td><td>145</td><td>100</td><td>Certificate of correction</td><td></td></tr> <tr><td>148</td><td>110</td><td>248</td><td>55</td><td>Statutory disclaimer</td><td></td></tr> <tr><td>561</td><td>3</td><td>561</td><td>3</td><td>Printed copy of patent, regular service</td><td></td></tr> </tbody> </table>					Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use hearing		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner	130.00	123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Statement		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		145	100	145	100	Certificate of correction		148	110	248	55	Statutory disclaimer		561	3	561	3	Printed copy of patent, regular service	
Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																	
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																		
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																		
139	130	139	130	Non-English specification																																																																																																																																																																																																		
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																		
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																		
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																		
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																		
116	400	216	200	Extension for reply within second month																																																																																																																																																																																																		
117	920	217	460	Extension for reply within third month																																																																																																																																																																																																		
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																																		
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																																		
119	320	219	160	Notice of appeal																																																																																																																																																																																																		
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																		
121	280	221	140	Request for oral hearing																																																																																																																																																																																																		
138	1,510	138	1,510	Petition to institute a public use hearing																																																																																																																																																																																																		
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																		
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																																		
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																																		
143	460	243	230	Design issue fee																																																																																																																																																																																																		
144	620	244	310	Plant issue fee																																																																																																																																																																																																		
122	130	122	130	Petitions to the Commissioner	130.00																																																																																																																																																																																																	
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																		
126	180	126	180	Submission of Information Disclosure Statement																																																																																																																																																																																																		
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																		
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																		
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																		
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																																		
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																		
145	100	145	100	Certificate of correction																																																																																																																																																																																																		
148	110	248	55	Statutory disclaimer																																																																																																																																																																																																		
561	3	561	3	Printed copy of patent, regular service																																																																																																																																																																																																		
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other*																																																																																																																																																																																																						
FEE CALCULATION 1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> SUBTOTAL (1) \$0.00		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee																																																																																																																																																																		
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																	
101	740	201	370	Utility filing fee																																																																																																																																																																																																		
106	330	206	165	Design filing fee																																																																																																																																																																																																		
107	510	207	255	Plant filing fee																																																																																																																																																																																																		
108	740	208	370	Reissue filing fee																																																																																																																																																																																																		
114	160	214	80	Provisional filing fee																																																																																																																																																																																																		
2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>20**</td> <td></td> <td>\$18.00</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>-3**</td> <td>\$84.00</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td>\$280.00</td> <td></td> </tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	20**		\$18.00		Independent Claims	-3**	\$84.00		Multiple Dependent		\$280.00																																																																																																																																																																																						
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																																			
20**		\$18.00																																																																																																																																																																																																				
Independent Claims	-3**	\$84.00																																																																																																																																																																																																				
Multiple Dependent		\$280.00																																																																																																																																																																																																				
Large Entity Fee Code Small Entity Fee Code <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>108</td><td>84</td><td>209</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> SUBTOTAL (2) \$0.00		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	84	202	42	Independent claims in excess of 3		104	280	204	140	Multiple dependent claim, if not paid		108	84	209	42	** Reissue independent claims over original patent		110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																		
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																	
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																		
102	84	202	42	Independent claims in excess of 3																																																																																																																																																																																																		
104	280	204	140	Multiple dependent claim, if not paid																																																																																																																																																																																																		
108	84	209	42	** Reissue independent claims over original patent																																																																																																																																																																																																		
110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																		
** or number previously paid, if greater. For Reissues, see above		* Reduced by Basic Filing Fee Paid																																																																																																																																																																																																				
Submitted By Name (Print/Type) Kenley K. Hoover Signature: 		Complete (if applicable) Registration No.: 40,302 Telephone (301) 610-5771 Date: December 14, 2001																																																																																																																																																																																																				
		SUBTOTAL (3) \$130.00																																																																																																																																																																																																				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/764,872	01/17/2001	Craig A. Rosen	PA125

CONFIRMATION NO. 6983

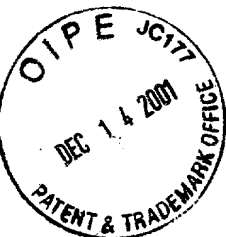
22195
HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

FORMALITIES LETTER



OC000000006900979

Date Mailed: 10/15/2001



NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **Page 448** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2025-01-24 10:00 AM